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HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(S) No. 5113/2007

PETITIONER Shiv Dayal Verma, Son of Late Anand Ram Verma, aged about 61 years, Head Master, Primary School, Palari, R/o Village – Palari, District Raipur (C.G.)

Versus

RESPONDENTS

1. The State of Chhattisgarh, Through : The Secretary, Department of Education. D.K.S. Bhawan, Raipur (C.G.)
2. The Collector, Raipur, District Raipur (C.G.)
3. District Education Officer, District Raipur (C.G.)
4. Block Education Officer, Block – Balodabazar, Raipur, Tahsil Balodabazar, District Raipur (C.G.)
5. Shri Somkant Sahu, Principal, Primary School Dondekala, Block Dharseeva, District Raipur (C.G.)

Writ Petition Under Article 226 of the Constitution of India.

Appearance:

Shri Gautam Khetrapal, counsel for the petitioner.
Shri M.P.S. Bhatia, Panel Laywer for the State.

ORAL ORDER
(07.09.2007)

SUNIL KUMAR SINHA, J.

Heard finally with the consent of the parties.

The petitioner, who is working on the post of Head Master, Boys Primary School, Palari, District Raipur has been transferred from the said place to Primary School, Lahod, Baloda Bazar, District Raipur on administrative grounds (Annexure P/1).

Referring to para 5.8 and 5.9 of the Writ Petition, learned counsel for the petitioner argues that the date of birth of the petitioner is 14.09.1946, according to which, the petitioner is going to retire on 13.9.2008 on completion of his age of superannuation. He also argues that the petitioner would be facing much hardship if he is transferred from his present place of posting to a new place,

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just before 13 months of his retirement. He refers to Clause 7 of the Transfer Policy dated 13th June 2007, according to which, the cases of the persons, who are at the verge of retirement are to be considered under the said Clause. He further argues that though the said clause talks about one year period for retirement, but looking to the facts and circumstances of this case that about 1-2 month is exceeding from one year, the case of the petitioner should be considered on the same line giving advantage of exceeding period of 1-2 month.

I have gone through the contents of the petition and have also gone through Clause 7 of the transfer policy.

Having heard learned counsel for the petitioner, having gone through the contents of writ petition and the contents of Clause 7 of the transfer policy, though 1 ½ month is exceeding from one year, in the opinion of this Court, the ends of justice would be served, if the petitioner is directed to file a representation before the concerned authority and the concerned authority is directed to dispose of the same within the stipulated period granted by this Court, keeping in mind that only 1 ½ month is exceeding from the time frame made in the Policy.

Accordingly, the petition is disposed of with a direction that if so advised, the petitioner may file a detailed representation before the concerned authority within a period of 3 weeks from today alongwith copy of this order and a copy of writ petition, raising his grievance and if such a representation is filed, the concerned authority shall dispose of the same as early as possible preferably within a period of 2 months from the date of receipt of the said representation, keeping in mind the provisions of Clause 7 of the said Policy, and very little time coming over the period stipulated in the Policy.

It is further directed that in the meanwhile, the petitioner shall not be relieved from his present place of posting i.e. Palari, District Raipur and shall be allowed to continue there.

The petition stands finally disposed of.

Sd/-
Sunil Kumar Sinha
Judge

Vidhya